

JS-6

<b>FILED</b> CLERK, U.S. DISTRICT COURT  4/7/2016  CENTRAL DISTRICT OF CALIFORNIA BY: _____ CW _____ DEPUTY
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UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA - WESTERN DIVISION

UNITED STATES OF AMERICA,	)	Case No. CV 10-01307-MWF(FFMx)
	)	
Plaintiff,	)	<b>CONSENT JUDGMENT OF FORFEITURE</b>
	)	
v.	)	
	)	
\$72,081.00 IN U.S.	)	
CURRENCY AND \$625.00 IN	)	
CANADIAN CURRENCY,	)	
	)	
Defendants.	)	
	)	
NICHOLAS DINARDO,	)	
	)	
Claimant.	)	
	)	

On or about February 22, 2010, Plaintiff United States of America ("the government," "the United States of America" or "plaintiff") filed a Complaint for Forfeiture alleging that the defendants \$72,081.00 in U.S. Currency (the "defendant currency") and \$625.00 in Canadian Currency (the "defendant Canadian currency") are subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C) and 21 U.S.C. § 881(a)(6).

1 Claimant Nicholas Dinardo ("Claimant") filed a claim to the  
2 defendant currency and defendant Canadian currency on or about  
3 July 26, 2010 and an answer to the complaint on or about August  
4 18, 2010. No other parties have appeared in this case and the  
5 time for filing claims and answers has expired.

6 The government and Claimant have now agreed to settle this  
7 action and to avoid further litigation by entering into this  
8 Consent Judgment of Forfeiture.

9 The Court, having been duly advised of and having  
10 considered the matter, and based upon the mutual consent of the  
11 parties hereto,

12 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED:

13 1. The Court has jurisdiction over the subject matter of  
14 this action and the parties to this Consent Judgment of  
15 Forfeiture.

16 2. The Complaint for Forfeiture states a claim for relief  
17 pursuant to 18 U.S.C. § 981(a)(1)(C) and 21 U.S.C. § 881(a)(6).

18 3. Notice of this action has been given as required by  
19 law. No appearances have been made in the litigation by any  
20 person other than Claimant. The Court deems that all other  
21 potential claimants admit the allegations of the Complaint for  
22 Forfeiture to be true.

23 4. The sum of \$9,990.00 only (without interest) shall be  
24 returned to Claimant. The remainder of the defendant currency  
25 (i.e., \$62,091.00), plus the interest earned by the United  
26 States of America on the defendant currency, and the defendant  
27 Canadian currency shall be condemned and forfeited to the United  
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1 States of America, which shall dispose of those funds in  
2 accordance with law.

3       5. The funds to be returned to Claimant pursuant to  
4 paragraph 4 above shall be paid to Claimant by electronic  
5 transfer directly into the client trust account of Claimant's  
6 attorneys of record in this case. Claimant (through Claimant's  
7 attorney of record) shall provide all information and complete  
8 all documents requested by the United States of America in order  
9 for the United States of America to complete the transfer  
10 including, without limitation, Claimant's social security and  
11 taxpayer identification numbers (if any), Claimant's attorney of  
12 record's taxpayer identification number, and the identity of the  
13 bank, the bank's address and the account name, account number,  
14 account type and wire transfer routing number for the attorney-  
15 client trust account to which the transfer of funds is to be  
16 made.

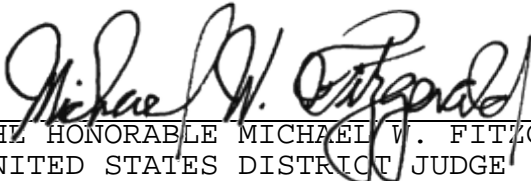
17       6. Claimant hereby releases the United States of America,  
18 its agencies, agents, officers, employees and representatives,  
19 including, without limitation, all agents, officers, employees  
20 and representatives of the Drug Enforcement Administration or  
21 the Department of Justice and their respective agencies, as well  
22 as all agents, officers, employees and representatives of any  
23 state or local governmental or law enforcement agency involved  
24 in the investigation or prosecution of this matter, from any and  
25 all claims, actions or liabilities arising out of or related to  
26 this action, including, without limitation, any claim for  
27 attorney fees, costs and interest, which may be asserted by or  
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1 on behalf of Claimant, whether pursuant to 28 U.S.C. § 2465 or  
2 otherwise.

3 7. The Court finds that there was reasonable cause for  
4 the seizure of the defendant currency and the defendant Canadian  
5 currency and institution of these proceedings. This judgment  
6 shall be construed as a certificate of reasonable cause pursuant  
7 to 28 U.S.C. § 2465.

8 8. The Court further finds that Claimant did not  
9 substantially prevail in this action, and the parties hereto  
10 shall bear their own attorney fees and costs.

11 Dated: April 7, 2016


12   
13 THE HONORABLE MICHAEL V. FITZGERALD  
14 UNITED STATES DISTRICT JUDGE  
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CONSENT

The parties hereto consent to the above judgment and waive any right of appeal.

Dated: April 6, 2016

EILEEN M. DECKER  
United States Attorney  
LAWRENCE S. MIDDLETON  
Assistant United States Attorney  
Chief, Criminal Division  
STEVEN R. WELK  
Assistant United States Attorney  
Chief, Asset Forfeiture Section

  
VICTOR A. RODGERS  
Assistant United States Attorney

Attorneys for Plaintiff  
UNITED STATES OF AMERICA

DATED: April 2, 2016

LAW OFFICE OF K. MARSHALL BOWMAN

  
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Attorneys for Claimant  
NICHOLAS DINARDO